

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT – LAW DIVISION**

GUAVA LLC,

Plaintiff,

v.

SKYLER CASE,

Defendant.

No. 2012L007363

MOTION TO STRIKE IMPROPER PLEADINGS

Plaintiff Guava, LLC respectfully submits this motion, pursuant to Illinois Supreme Court Rule 218, to strike the entirely frivolous, not to mention moot, emergency motion submitted by Attorney Erin Russell. In support of its motion, Plaintiff states the following:

1. Attorney Russell's Emergency Motion is not an emergency. In fact, Attorney Russell completely fails to comply with this Court's standing order regarding emergency motions. First, as this Court bluntly points out, "True emergencies are rare". In this situation, Attorney Russell fails to point out any imminent harm or crisis that will occur if her emergency motion is not heard. As Attorney Russell herself admits, the third party ISP has already complied with the subpoena.
2. Next, Attorney Russell ignores this Court's requirement that an emergency motion is only proper when "the necessity to be heard as an emergency was not caused by any inaction of the movant". Here, attorney Russell admits in her motion that it was her own client's fault that his motion was not filed in a timely manner. Attorney Russell admits in her motion that her anonymous, mysterious, client contacted her on October 3, 2012.
3. Third, according to this Court, "An emergency motion will only be heard after the movant has conferred, or attempted to confer, with opposing counsel." Here, Plaintiff's

counsel, and based upon information and belief, Defendant's counsel, was never apprised of the impending emergency motion. In fact, quite the opposite occurred, as Attorney Russell intentionally concealed her preparations to file her motion.

4. Attorney Russell spoke with Attorney John Steele, Attorney for Plaintiff, a minimum of 5 times on October 3, 2012 regarding several other clients of hers. During these conversations, Ms. Russell did not disclose to Attorney Steele that she was preparing an emergency motion in this case, nor did Ms. Russell comply with the Illinois Supreme Court Rule 218, which mandates that an attorney attempt to engage in a good faith meet and confer regarding outstanding discovery disputes.
5. Attorney Russell's demonstrated modus operandi, which she is using in this and other cases, is to file emergency motions at the 11th hour, appear ex parte, and make completely unfounded and outrageous claims to the Court.
6. As this Court is aware, Attorney Russell has recently used this tactic. After failing to properly notify ANY of the attorneys representing actual parties to the case, Attorney Russell filed an emergency motion and appeared before this Court and started raising arguments on behalf of the parties.
7. It is worth noting that the emergency motion filed by Attorney Russell is not accompanied by an affidavit, or even the identity of who is making any of the allegations. So, for all practical purposes, this Court has neither the ability to evaluate the person making the claims, nor the ability to punish any false statements.
8. Attorney Russell's acts threaten the integrity of this Court when she fails to notify any of the actual attorneys in this matter, and then raises various defenses, besides having

inappropriate communications with this Court, she is estopping the actual parties from raising these arguments.

9. Plaintiff would like to stress that Attorney Russell, by her own admission, does not represent any party in this case. This alone, should raise alarm by this Court as to why Attorney Russell is literally attempting to take over this Court's docket. As Attorney Russell proudly exclaimed to the court on her last appearance, she has recently signed up 29 new John Does as a result of her entirely unprofessional, and rapid fire filings. While such tactics may indeed provide great marketing for the next 29 hackers that are looking to conceal their identities relating to their hacking activities, the actual parties, this court, and the Illinois judicial system lose.

GUAVA LLC

One of its attorneys

Paul A. Duffy, Esq., #485517
2 N. LaSalle Street, 13th Floor
Chicago, IL 60602
312-952-6136